

5/6/16

9:01 A.M.

Chapter No. 25  
16/SS26/A111SG  
ag 16/16

## ***SENATE BILL NO. 2916***

Originated in Senate



Secretary

SENATE BILL NO. 2916

AN ACT MAKING AN APPROPRIATION TO DEFRAY THE EXPENSES OF THE OFFICE OF THE SECRETARY OF STATE FOR FISCAL YEAR 2017.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State General Fund not otherwise appropriated, for the support and maintenance of the Secretary of State for the fiscal year beginning July 1, 2016, and ending June 30, 2017.....  
.....\$ 16,046,492.00.

SECTION 2. Of the funds appropriated under the provisions of Section 1, the following positions are authorized:

AUTHORIZED POSITIONS:

Permanent:	Full Time .....	98
	Part Time .....	0
Time-Limited:	Full Time .....	13
	Part Time .....	0

With the funds herein appropriated, it shall be the agency's responsibility to make certain that funds required to be

appropriated for "Personal Services" for Fiscal Year 2018 do not exceed Fiscal Year 2017 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2017 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. It shall be the responsibility of the agency head to ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2017 appropriations for "Personal Services" when annualized, with the exception of escalated funds and the award of benchmarks. If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2017 "Personal Services" appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

Any transfers or escalations shall be made in accordance with the terms, conditions and procedures established by law or allowable under the terms set forth within this act. The State Personnel Board shall not escalate positions without written approval from the Department of Finance and Administration. The

Department of Finance and Administration shall not provide written approval to escalate any funds for salaries and/or positions without proof of availability of new or additional funds above the appropriated level.

No general funds authorized to be expended herein shall be used to replace federal funds and/or other special funds which are being used for salaries authorized under the provisions of this act and which are withdrawn and no longer available.

None of the funds herein appropriated shall be used in violation of Internal Revenue Service's Publication 15-A relating to the reporting of income paid to contract employees, as interpreted by the Office of the State Auditor.

**SECTION 3.** None of the funds appropriated by this act shall be expended for any purpose that is not actually required or necessary for performing any of the powers or duties of the Office of the Secretary of State that are authorized by the Mississippi Constitution of 1890, state or federal law, or rules or regulations that implement state or federal law.

**SECTION 4.** No part of the funds appropriated herein shall be used, either directly or indirectly, for the purpose of paying any clerk, stenographer, assistant, deputy, or other person who may be related by blood or marriage within the third degree, computed by the rules of the civil law, to the official employing or having the right of employment or selection thereof; and in the event of any such payment, then the official or person approving and making

or receiving such payment shall be jointly and severally liable to return to the State of Mississippi and to pay into the State Treasury three (3) times any such amount so paid or received, to be recovered at suit of the Attorney General; provided that when the relationship is by affinity and the person through whom the relationship was established is dead, this provision shall not apply.

SECTION 5. Of the funds appropriated in Section 1, the Secretary of State may use funds appropriated for the purposes of defraying litigation expenses associated with the enforcement of the Mississippi Securities Act, the Regulation of Charitable Solicitations Act, and the administration of the Public Trust.

SECTION 6. In compliance with the "Mississippi Performance Budget and Strategic Planning Act of 1994," it is the intent of the Legislature that the funds provided herein shall be utilized in the most efficient and effective manner possible to achieve the intended mission of this agency. Based on the funding authorized, this agency shall make every effort to attain the targeted performance measures provided below:

		FY2017
<u>Performance Measures</u>		<u>Target</u>
Business Services		
Percentage of Phone Calls Answered within		
10 Seconds (%)		92.00
Elections		

Number of Voter Registrations Updated via Secure Online Website	50.00
Number of Poll Workers to Successfully Complete the Online Training Program	82.00
Percentage of Poll Workers who Successfully Complete the Online Poll Manager Training on their First Attempt (%)	60.00
Publications	
Number of Visits to the Secretary of State's Website	11,000,000.00
Public Lands	
Number of Tax-Forfeited Properties Sold	500.00
Support Services	
Support Services as a Percentage of Total Agency Expenditures (%)	27.00

A reporting of the degree to which the performance targets set above have been or are being achieved shall be provided in the agency's budget request submitted to the Joint Legislative Budget Committee for Fiscal Year 2018.

**SECTION 7.** It is the intention of the Legislature that whenever two (2) or more bids are received by this agency for the purchase of commodities or equipment, and whenever all things stated in such received bids are equal with respect to price, quality and service, the Mississippi Industries for the Blind shall be given preference. A similar preference shall be given to

the Mississippi Industries for the Blind whenever purchases are made without competitive bids.

**SECTION 8.** The money herein appropriated shall be paid by the State Treasurer out of any money in the State Treasury to the credit of the proper fund or funds as set forth in this act, upon warrants issued by the State Fiscal Officer; and the State Fiscal Officer shall issue his warrants upon requisitions signed by the proper person, officer or officers in the manner provided by law.

**SECTION 9.** This act shall take effect and be in force from and after July 1, 2016.

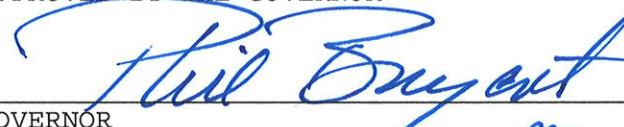
PASSED BY THE SENATE  
April 17, 2016

  
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PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES  
April 17, 2016

  
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SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

  
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GOVERNOR

May 6, 2016  
9:01 am